

**PUBLIC NOTICE: 94-15**

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND  
OPPORTUNITY TO COMMENT**

**AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT  
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF PROPOSED ADMINISTRATIVE  
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER ACT.  
EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON THESE  
PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS ASSESSING  
CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY ISSUE  
SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II  
PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THESE PROPOSED  
ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

**CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED  
RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF  
CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR  
SUSPENSION OF PERMITS", 40 CODE OF FEDERAL REGULATIONS PART 22. THE  
PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN  
COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A CLASS I  
PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY  
REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE  
DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I  
ORDER IS THIRTY (30) DAYS AFTER THE DATE OF PUBLICATION OF THIS PUBLIC  
NOTICE.**

**ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING  
CLASS I PROCEEDING FOR THE ASSESSMENT OF PENALTIES: IN THE MATTER  
OF APOTHECUS PHARMACEUTICAL CORPORATION, 220 TOWNSEND SQUARE,  
OYSTER BAY, NEW YORK 11771 THE OWNER AND/OR OPERATOR OF THE  
MANUFACTURING FACILITY LOCATED AT 485-27 SOUTH BROADWAY,  
HICKSVILLE, NEW YORK 11801, DOCKET NO. CWA-02-2004-3301; FILED ON  
JANUARY 27, 2004 WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA,  
REGION II, 290 BROADWAY, 17 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-  
3110; PROPOSED PENALTY: \$27,500, FOR FAILURE TO COMPLY WITH  
MONITORING AND REPORTING REQUIREMENTS AS REQUIRED BY THE  
GENERAL AND CATEGORICAL PRETREATMENT STANDARDS.**

**FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THESE COMPLAINTS OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THESE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.**

**IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.**

**DATED: 03/11/2004**

**DORE LAPOSTA, DIRECTOR  
DIVISION OF ENFORCEMENT AND  
COMPLIANCE ASSISTANCE**